

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

SUZANNE CAROL BLANTON,

Plaintiff,

V.

**KILOLO KIJAKAZI,
ACTING COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

Case No. 2:20CV00024

OPINION AND ORDER

JUDGE JAMES P. JONES

P. Heith Reynolds, WOLFE, WILLIAMS & REYNOLDS, Norton, Virginia, for Plaintiff; Antonia M. Adam, Special Assistant United States Attorney, OFFICE OF THE GENERAL COUNSEL, SOCIAL SECURITY ADMINISTRATION, Philadelphia, Pennsylvania, for Defendant.

In this social security disability case, I accept the Report and Recommendation (“Report”) of the magistrate judge.

Suzanne Carol Blanton challenges the final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for disability insurance benefits under certain provisions of the Social Security Act (“Act”). The action was referred to United States Magistrate Judge Pamela Meade Sargent to conduct appropriate proceedings. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). Magistrate Judge Sargent filed her 29-page Report on November 4, 2021, in which she recommended that the court affirm the Commissioner’s decision denying

benefits. On November 15, 2021, the plaintiff filed objections to the Report. The defendant filed a response to the objections on November 29, 2021. The objections are ripe for decision.

I must make a de novo determination of those portions of the Report to which the plaintiff objects. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Under the Act, I must uphold the factual findings and final decision of the Commissioner if they are supported by substantial evidence and were reached through application of the correct legal standard. *See Coffman v. Bowen*, 829 F.2d 514, 517 (4th Cir. 1987). “[T]he threshold for such evidentiary sufficiency is not high.” *Biestek v. Berryhill*, 139 S. Ct. 1148, 1154 (2019). Substantial evidence is “evidence which a reasoning mind would accept as sufficient to support a particular conclusion. It consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.” *Laws v. Celebrezze*, 368 F.2d 640, 642 (4th Cir. 1966). If such evidence exists, my inquiry is terminated and the Commissioner’s final decision must be affirmed. *See id.*

In her objections, the plaintiff contends that the administrative law judge (“ALJ”) erred in two ways: (1) by failing to properly consider the supportability factor in evaluating and rejecting the opinions of treating, examining, and reviewing sources relating to the plaintiff’s mental health functioning; and (2) by failing to properly consider the consistency factor in evaluating these same opinions. Pl.’s

Objs. 3, ECF No. 19. The plaintiff raised these arguments in her Motion for Summary Judgment, and the magistrate judge thoroughly considered them. The plaintiff's arguments amount to a disagreement with how the ALJ weighed the record evidence, which is not a proper ground for rejecting the Report or overruling the Commissioner's decision.

Based upon my careful consideration of these objections, the record, and the arguments of counsel, I agree with the magistrate judge that substantial evidence supported the ALJ's findings and that the ALJ's decision was in accord with the revised regulations and relevant case precedent. Accordingly, it is **ORDERED** as follows:

1. Plaintiff's Objections, ECF No. 19, are DENIED;
2. The magistrate judge's Report and Recommendations, ECF No. 18, are fully ACCEPTED;
3. Plaintiff's Motion for Summary Judgment, ECF No. 14, is DENIED;
4. The Commissioner's Motion for Summary Judgment, ECF No. 16, is GRANTED; and
5. A separate final judgment will be entered herewith.

ENTER: December 20, 2021

/s/ JAMES P. JONES
Senior United States District Judge